

Exhibit 124A

United States of America ex rel. Ven-a-Care of the Florida Keys, Inc. v. Dey, Inc., et al.,
Civil Action No. 05-11084-PBS

Exhibit to the July 24, 2009, Declaration of George B. Henderson, II
In Support of Plaintiffs' Motion For Partial Summary Judgment
and In Opposition to Dey's Motion For Partial Summary Judgment

Vladeck, Ph.D., Bruce C.

May 4, 2007

New York, NY

Page 1

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

-----X MDL NO. 1456
IN RE: PHARMACEUTICAL INDUSTRY : CIVIL ACTION:
AVERAGE WHOLESALE PRICE LITIGATION : 01-CV-12257-PBS

-----X
THIS DOCUMENT RELATES TO: :
U.S. ex rel. Ven-A-Care of the : CIVIL ACTION:
Florida Keys, Inc. v. Abbott : 06-CV-11337-PBS
Laboratories, Inc. :
-----X

IN THE CIRCUIT COURT OF
MONTGOMERY COUNTY, ALABAMA

-----X
STATE OF ALABAMA, : CASE NO.
Plaintiff, : CV-05-219
v. :
ABBOTT LABORATORIES, INC., : JUDGE
et al., : CHARLES PRICE
Defendants. :
-----X

Henderson Legal Services
202-220-4158

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May 4, 2007

Page 2

STATE OF WISCONSIN CIRCUIT COURT DANE COUNTY

-----X

STATE OF WISCONSIN, : CASE NO.

Plaintiff, : 04-CV-1709

v. :

AMGEN INC., et al., :

Defendants. :

-----X

IN THE COURT OF COMMON PLEAS

FIFTH JUDICIAL CIRCUIT

-----X

STATE OF SOUTH CAROLINA, and : STATE OF

HENRY D. McMASTER, in his official : SOUTH CAROLINA

capacity as Attorney General for : COUNTY OF

the State of South Carolina, : RICHLAND

Plaintiff, :

v. : CIVIL ACTION:

MYLAN LABORATORIES, INC. : 07-CP-40-0283

Defendant. :

-----X

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May 4, 2007

New York, NY

Page 246

1 because they were state-specific data or first to
2 HCFA and then back out to the states.

3 Q. Did you ever look at the average
4 manufacturers' price data for any specific drugs
5 as administrator of HCFA?

6 A. No.

7 Q. Would you agree with me that that
8 certainly would be a source of market prices for
9 HCFA to consider in deciding appropriate
10 reimbursement amounts for Medicaid and Medicare?

11 MR. BREEN: Objection, form.

12 MS. BROOKER: Objection, form.

13 A. It was my understanding that that
14 information was proprietary, and under the terms
15 of over 90 we were -- the HCFA officials who
16 received the data were not authorized to share it
17 within the agency, let alone to make it public.

18 And so I was -- it was my belief that
19 except for the folks who had actual operational
20 responsibility for the rebate programs that
21 material was not -- that information was not to
22 be made more widely available.

Vladeck, Ph.D., Bruce C.

May 4, 2007

New York, NY

Page 247

1 Q. And so was it your understanding that
2 others within the agency couldn't even look at
3 the data?

4 MS. BROOKER: Objection. Form.

5 A. That was my understanding.

6 Q. And did you have an understanding of
7 whether the statute allowed, for example, the CBO
8 access to the data?

9 MS. BROOKER: Objection, form.

10 A. I was only advised about the sharing of
11 the data within the agency. In terms of external
12 agencies I had no information as to who else
13 might have been granted access to it.

14 Q. And did you have any information -- any
15 understanding at all about whether manufacturers
16 were accurately reporting their AMPs?

17 MS. BROOKER: Objection, form.

18 A. I had no reason to believe that they
19 were not.

20 Q. Did your agency ever seek authority
21 from Congress to widen the -- the group of people
22 who you understood could have access to the AMPs?